

CE08335R
PATENT

#7
3/4/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Ghosh, Amitava, et al. EXAMINER: Unknown
SERIAL NO.: 09/742,905 GROUP: 2661
FILED: December 20, 2000 CASE NO.: CE08335R
TITLED: MULTI CHANNEL STOP AND WAIT ARQ COMMUNICATION
METHOD AND APPARATUS

Motorola, Inc.
Corporate Offices
1303 E. Algonquin Road
Schaumburg, IL 60196

February 12, 2004

Certificate of Transmission under 37 CFR 1.8	
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.	
on <u>February 12, 2004</u>	<u>2/12/2004</u>
Motorola, Inc.	Date
Name of applicant, assignee, or Registered Representative	
<u>[Signature]</u>	
Signature	

EXPEDITED PETITION UNDER 37 CFR 1.53(b)
TO REQUEST ORIGINAL FILING DATE OF APPLICATION

Office of Petitions
Assistant Commissioner for Patents
BOX: DAC
Washington, DC 20231

This letter serves as a petition to request the original filing date for the
above entitled patent application, pursuant to 37 CFR 1.53(b) which states, in
pertinent part:

CE08335R
PATENT

The filing date of an application for patent filed under this section . . . is the date on which a specification as prescribed by 35 U.S.C. 112 containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75, and any drawing required by § 1.81(a) are filed in the Patent and Trademark Office. No new matter may be introduced into an application after its filing date. (emphasis added)

The present application was filed on December 20, 2000 with a specification containing a description, seven (7) claims and two sheets of informal drawings containing the following figures: Figure 1 Dual channel receiver flow chart, Figure 2 Single Source/Single Channel Dual-Channel Model and Figure 3 Multi-Source/Single Channel Dual Channel Model. A filing receipt showing a December 20, 2000 filing receipt was subsequently issued by the US PTO on February 6, 2001 (confirmation no. 8962). The US PTO also issued a Notice to File Missing Parts of Nonprovisional Application on February 6, 2001. The Notice stated, inter alia, that Figure 4, described in the specification, appeared to have been omitted from the application. Upon investigation, Applicants learned that the original application was filed with FIG. 1 omitted and that originally filed FIG. 1 Dual channel receiver flow chart should have been labeled FIG. 4 Dual channel receiver flow chart. Applicants further learned that originally omitted FIG. 1 depicted a prior art ARQ system. In lieu of responding to the Notice to File Missing parts, Applicants filed a Preliminary Amendment on March 15, 2001 that moved the description of FIG. 1 to the Background section of the patent application. Applicant also submitted marked up drawings including originally omitted FIG. 1, FIGs. 2 and 3 showing no changes, and originally submitted FIG. 1 Dual channel receiver flow chart changed to FIG. 4 Dual channel receiver flow chart. The US PTO did not receive the first transmission of the Preliminary Amendment, so Applicants resubmitted the Preliminary Amendment on May 2, 2002. The US PTO received the resubmitted Preliminary Amendment on May 10, 2002.

In response to receipt of the Preliminary Amendment, the US PTO issued an updated filing receipt showing a filing date of March 19, 2001 (the date the PTO received Applicants Preliminary Amendment). Applicants hereby petition the USPTO to issue a corrected filing receipt showing the original filing date of

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PATENT

December 20, 2000. Applicants submit that pursuant to 37 CFR 1.53(b), no new matter was introduced into the patent application after the original filing date of December 20, 2000. As shown in the attached preliminary amendment, a figure depicting a prior art system, FIG. 1, was added into the patent application and the specification was amended to move the description of FIG. 1 to the background section. Thus, Applicants submit that pursuant to 37 CFR 1.53(b), the date on which the specification as prescribed by 35 U.S.C. 112 containing a description pursuant to § 1.71, at least one claim pursuant to § 1.75, and any drawing required by § 1.81(a) was filed in the Patent and Trademark Office on December 20, 2000, the original filing date.

Commissioner is hereby authorized to charge the petition fee to deposit account No. 50-2117.

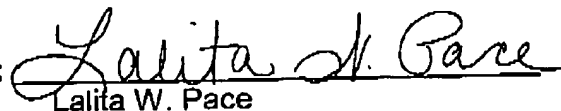
Respectfully submitted,
Ghosh, Amitava, et al.

SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department

Customer Number: 22917

By:



Lalita W. Pace

Attorney for Applicant

Registration No.: 39,427

Telephone: 847-538-5855

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JCWSCS 1 FEB 2004

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Feb-12-04 04:55pm From-MOTOROLA

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T-534 P.001/006 F-163



MOTOROLA

FAX TRANSMITTAL SHEET

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6

Number of Pages (including this page)

Date: February 12, 2004
To: Examiner UNKNOWN - Group 2661
Location: United States Patent and Trademark Office
Fax No.: 703-746-9195
From: Lalita W. Pace (Registration No. 39,427)
Subject: Serial No. 09/742,905 - Ghosh et al.

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MESSAGE:

Enclosed herewith, please find a RESPONSE Office Action for filing in the below identified application.

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PLEASE GIVE THESE PAPERS TO:

Technology Center 2600

EXAMINER:	UNKNOWN
GROUP ART UNIT:	2661
SERIAL NO.:	09/742,905
FILED:	12/20/2000
INVENTOR:	Ghosh et al.
ATTORNEY DOCKET NO.:	CE08950R

PTO/SB/Z1 (08-00)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/742,905
		Filing Date	12/20/2000
		First Named Inventor	Ghosh et al.
		Group Art Unit	2661
		Examiner Name	UNKNOWN
Total Number of Pages in this Submission	4	Attorney Docket Number	CE08950R
ENCLOSURES (check all that apply)			
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53		<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-Related papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CDs	
		<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter with appropriate copies <input type="checkbox"/> Other Enclosure(s) (please identify below) <input type="checkbox"/> Response to Restriction Requirement <input type="checkbox"/> Associate Power of Attorney <input type="checkbox"/> RCE <input type="checkbox"/> Copy of Notice to File Missing Parts <input type="checkbox"/> Transmittal of Formal Drawings <input type="checkbox"/> Response to Notice of Non- Recording of Document	
Remarks			
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual	Lalita W. Pace	Registration No.	39,427
Signature	<i>Lalita W. Pace</i>		
Date	February 12, 2004		
CERTIFICATE OF TRANSMISSION			
I hereby certify that this correspondence is being facsimile transmitted to Commissioner for Patents, Washington, DC 20231, on the date listed below:			
Typed or printed name	Nanette Orr		
Signature	<i>Nanette Orr</i>		Date February 12, 2004

FEE TRANSMITTAL Patent fees are subject to annual revision		Complete if Known	
		Application Number	09/742,905
		Filing Date	12/20/2000
		First Named Inventor	Ghosh et al.
		Examiner Name	UNKNOWN
		Group Art Unit	2661
TOTAL AMOUNT OF PAYMENT (\$)		Attorney Docket No.	CE08950R

METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																																																																																										
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:</p> <p>Deposit Account Number <u>50-2117</u></p> <p>Deposit Account Name <u>Motorola, Inc.</u></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee required under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input type="checkbox"/> Payment Enclosed:</p> <p style="text-align: center;"><input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>	<p>3. ADDITIONAL FEES</p> <table border="1" style="width:100%; border-collapse: collapse;"><thead><tr><th colspan="2">Large Entity</th><th colspan="2">Small Entity</th><th rowspan="2">Fee Description</th></tr><tr><th>Code</th><th>Fee (\$)</th><th>Code</th><th>Fee (\$)</th></tr></thead><tbody><tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td></tr><tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late Provisional filing</td></tr><tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td></tr><tr><td>1812</td><td>2520</td><td>1812</td><td>2520</td><td>For filing a request for ex parte Reexamination</td></tr><tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td></tr><tr><td>1805</td><td>1840*</td><td>1805</td><td>1840*</td><td>Requesting publication of SIR after Examiner action</td></tr><tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td></tr><tr><td>1252</td><td>410</td><td>2252</td><td>205</td><td>Extension for reply within second month</td></tr><tr><td>1253</td><td>930</td><td>2253</td><td>465</td><td>Extension for reply within third month</td></tr><tr><td>1254</td><td>1450</td><td>2254</td><td>725</td><td>Extension for reply within fourth month</td></tr><tr><td>1255</td><td>1970</td><td>2255</td><td>895</td><td>Extension for reply within fifth month</td></tr><tr><td>1401</td><td>320</td><td>2401</td><td>160</td><td>Notice of Appeal</td></tr><tr><td>1402</td><td>320</td><td>2402</td><td>160</td><td>Filing a brief in support of an appeal</td></tr><tr><td>1403</td><td>280</td><td>2403</td><td>140</td><td>Request for oral hearing</td></tr><tr><td>1451</td><td>1510</td><td>1451</td><td>1510</td><td>Petition to institute a public use proceeding</td></tr><tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td></tr><tr><td>1453</td><td>1300</td><td>2453</td><td>650</td><td>Petition to revive - unintentional</td></tr><tr><td>1501</td><td>1300</td><td>2501</td><td>650</td><td>Utility issue fee (or rehearing)</td></tr><tr><td>1502</td><td>470</td><td>2502</td><td>235</td><td>Design issue fee</td></tr><tr><td>1503</td><td>630</td><td>2503</td><td>315</td><td>Plant issue fee</td></tr><tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td></tr><tr><td>1807</td><td>50</td><td>1807</td><td>60</td><td>Processing fee under 37 CFR 1.17(a)</td></tr><tr><td>1808</td><td>160</td><td>1808</td><td>180</td><td>Submission of IDS</td></tr><tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td></tr><tr><td>1809</td><td>750</td><td>2809</td><td>375</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td></tr><tr><td>1810</td><td>750</td><td>2810</td><td>375</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td></tr><tr><td>1801</td><td>750</td><td>2801</td><td>375</td><td>Request for Continued Examination (RCE)</td></tr><tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td></tr><tr><td colspan="5">Other fee (specify) _____</td></tr></tbody></table>	Large Entity		Small Entity		Fee Description	Code	Fee (\$)	Code	Fee (\$)	1051	130	2051	65	Surcharge - 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<p>2. EXTRA CLAIM FEES</p> <table border="1" style="width:100%; border-collapse: collapse;"><thead><tr><th>Total Claims</th><th>Previously Paid**</th><th>Extra Claims</th><th>Fee from below</th><th>Fee Paid</th></tr></thead><tbody><tr><td>Independent Claims</td><td>20</td><td>3</td><td>18</td><td></td></tr><tr><td>Multiple Dependent</td><td></td><td></td><td>84</td><td></td></tr><tr><td colspan="4"></td><td>280 =</td></tr></tbody></table> <table border="1" style="width:100%; border-collapse: collapse;"><thead><tr><th>Large Fee Code</th><th>Large Fee (\$)</th><th>Small Fee Code</th><th>Small Fee (\$)</th><th>Fee Description</th></tr></thead><tbody><tr><td>1202</td><td>18</td><td>2202</td><td>9</td><td>Claims in excess of 20</td></tr><tr><td>1201</td><td>84</td><td>2201</td><td>42</td><td>Independent claims in excess of 3</td></tr><tr><td>1203</td><td>280</td><td>2203</td><td>140</td><td>Multiple dependent claim, if not paid</td></tr><tr><td>1204</td><td>84</td><td>2204</td><td>42</td><td>* Reissue independent claims over original patent</td></tr><tr><td>1205</td><td>18</td><td>2205</td><td>9</td><td>* Reissue claims in excess of 20 and over original patent</td></tr></tbody></table> <p style="text-align: right;">SUBTOTAL (2) (\$) 0.00</p> <p>**OR NUMBER PREVIOUSLY PAID, IF GREATER THAN STANDARD ALLOWANCE. *For Reissues, see above</p>	Total Claims	Previously Paid**	Extra Claims	Fee from below	Fee Paid	Independent Claims	20	3	18		Multiple Dependent			84						280 =	Large Fee Code	Large Fee (\$)	Small Fee Code	Small Fee (\$)	Fee Description	1202	18	2202	9	Claims in excess of 20	1201	84	2201	42	Independent claims in excess of 3	1203	280	2203	140	Multiple dependent claim, if not paid	1204	84	2204	42	* Reissue independent claims over original patent	1205	18	2205	9	* Reissue claims in excess of 20 and over original patent																																																																																																									
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<p>SUBMITTED BY</p> <p>Name (Print/Type) <u>Lalita W. Pace</u></p> <p>Signature <u>Lalita W. Pace</u></p>		<p style="text-align: center;">Completa (if applicable)</p> <p>Registration No. <u>39,427</u> Telephone <u>847/538-5855</u></p> <p>Date <u>February 12, 2004</u></p>																																																																																																																																																									